

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 7167**

**BILL NUMBER:** SB 346

**NOTE PREPARED:** Jan 2, 2004

**BILL AMENDED:**

**SUBJECT:** Child Molesting.

**FIRST AUTHOR:** Sen. Waterman

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** X GENERAL  
DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** This bill has the following provisions:

- A. It provides that a repeat child molester may be placed on lifetime probation.
- B. It permits the court to hold a lifetime probationer who has violated a condition of a probation in contempt of court if the lifetime probationer has completed the underlying sentence.
- C. It permits a court to institute involuntary commitment proceedings against a lifetime probationer who has violated a condition of probation if the court believes that the probationer is mentally ill and dangerous.
- D. It makes conforming amendments.

**Effective Date:** July 1, 2004.

**Explanation of State Expenditures:** *Civil Commitment:* If an offender is committed to the Division of Mental Health and Addiction Services of the Family and Social Services Administration (FSSA), any expenditures would depend on the cost of the facilities these offenders may be housed in or, if an interagency agreement is reached, what Department of Correction (DOC) facilities might house them.

The estimated cost of housing is based on the annual cost per patient at the Isaac Ray Unit at \$375 per day, or \$136,875 per year. FSSA also indicates that the hospital facility would incur an additional cost of \$31,487 for security costs per year for each predator.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** Any local impacts of this bill will depend on the current sentencing

patterns of the courts. It is assumed that under current law, the earliest year that this bill would begin to affect probation workload would be 2009. The estimated effects on the future workload of county probation departments will depend on the average age of the offenders at the time of release from prison, the number of offenders being released, and the earliest year when offenders would be released on probation. Assuming that offenders live to an average age of 80, an additional 400 offenders could be on probation statewide by the year 2030.

Child molesting is a Class C felony and can be enhanced to either a Class B or A felony depending on the age of the victim, the sexual act involved, and whether force or the threat of force is used.

*Potential Number Affected and Earliest Possible Year Counties Would be Affected:* The following shows the number of offenders who have been committed to the Department of Correction between FY 1999 and 2003, the shortest length of stay, and the earliest that an offender may be released and eligible for lifetime probation.

Felony Class	Projected Number of Offenders (1)		Est. Percent Who Are Repeat Child Molesters		Percent Released to Probation		Repeat Child Molesters Committed Each Year	Avg Length of Stay In Years (2)	Age at Earliest Release Date	Year of Earliest Release (3)
A	82	x	10%	x	42%	=	3	22.4	60	2026
B	139	x	10%	x	42%	=	6	9.4	44	2013
C	266	x	10%	x	42%	=	11	4.5	43	2008

Notes:  
 (1) Based on 5-year commitment totals.  
 (2) Based on Earliest Possible Release Date.  
 (3) Based on a commitment date of July 1, 2004.

*Civil Commitments:* If an offender violates the terms of probation, the court supervising the offender may decide to initiate commitment proceedings and the county would incur added costs for the legal defense of the offender.

**Explanation of Local Revenues:** Offenders would continue paying a probation user fee for a longer period of time. The initial fee is between \$25 and \$100, and the monthly fee is between \$5 and \$15.

**State Agencies Affected:** FSSA, DOC.

**Local Agencies Affected:** Counties.

**Information Sources:**

**Fiscal Analyst:** Mark Goodpaster, 317-232-9852.